IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8740 of 1994

Between:
1 Y.Jogi Reddy, son of Komaraiah
presently working as Town Planning Officer at Kothagudem
2 E.Shankar, son of Ramaiah
working as Town Planning Building Overseer, at Adilabad
..... PETITIONER(S)

AND

1 The Secretary, Municipal Administration Urban Development Department
State of A.P., Secretariat ,Hyderabad.
2 The District Collector, Adilabad District at Adilabad.
3 The Dist. Municipality, Adilabad, through its Commissioner.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ Mandamus or any other appropriate writ or writs, order or direction, declaring and setting aside the order dt 17/03/1993 passed in Memo.No. 2022/J1/90-4/MA on the file of the first Respondent, as illegal, arbitrary and without jurisdiction; award costs.

For the Petitioner:MR.K.RAGHUVEER REDDY, Advocate

For the Respondent Nos.1 & 2: The Government Pleader for Municipal Administration.

For the Respondent No.3: MR.R.TIMMA REDDY, SC for Adilabad Municipality.

The Court Made the Following :

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ORDER :

Fourth respondent vide resolution No.79, dated 30-6-1990 allotted flats of the size of 30' x 50' in approved layout No.155/5 in favour of the petitioners herein and another person. The Government of Andhra Pradesh, first respondent herein, purporting to exercise their powers under sub-section (2) of Section 59 of Andhra Pradesh Municipal Act,1965 (for brevity 'the Act') suspended the resolution. Assailing the same the present writ petition is filed. Though the writ petition was admitted by this Court on 29-4-1994 the impugned order of the Government dated 17-3-1993 passed under Section 59(2) of the Act was not suspended.

The Government has not filed any counter affidavit. Be that as it is, as the impugned order is in the nature of interim order, it would be in the interest of justice, if a direction is issued to first respondent to pass appropriate orders finally in the matter, if the same is not already disposed of.

The writ petition is accordingly disposed of. No order as to costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Municipal Administration Urban Development Department State of A.P., Secretariat ,Hyderabad.
2 The District Collector, Adilabad Dist.
3 The Commissioner, Dist. Municipality, Adilabad
4.2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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Dt.16-06-2004.
(Msr)